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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

E. I. DU PONT DE NEMOURS AND COMPANY, Plaintiff, v. USA PERFORMANCE TECHNOLOGY, INC., PERFORMANCE GROUP (USA), INC., WALTER LIEW, and JOHN LIU, Defendants.	**Case No. 3:11-cv-01665-JSW** **JOINT STATUS REPORT AND [PROPOSED] ORDER EXTENDING STAY OF ACTION** Judge: Hon. Jeffrey S. White Hearing Date: None

Pursuant to the Court's November 29, 2011 Order, Plaintiff E. I. du Pont de Nemours and Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc. (collectively "USAPT") submit this Joint Status Report. The parties request that the stay in this matter set to expire on January 31, 2012, remain in place for an additional 60 days, through April 2, 2012.

On August 23, 2011, the United States filed *United States v. Walter Liew and Christina Liew*, No. CR-11-0573-RS.

DuPont's Position: The indictment alleges that defendant Walter Liew and his wife, Christina Liew, tampered with a witness in this action by, among other things, telling the witness not to reveal his knowledge of certain employees of defendant USAPTI because it would not be good for the witness or his family, and instructing the witness to lie about his knowledge of certain individuals relevant to the trade secret case, in violation of 18 U.S.C. § 1512. The indictment also alleges that Walter Liew and Christina Liew engaged in misleading conduct towards agents of the Federal Bureau of Investigation and made false statements during the execution of a search warrant by intentionally lying to the agents concerning the whereabouts of a safe deposit box that contained evidence relevant to the FBI's investigation, in violation of 18 U.S.C. §§ 1001 and 1512. (Docket # 41 at 2(b).)

USAPT's Position: Defendants believe that the August 23 Complaint speaks for itself, and no further explanation or commentary is appropriate or needed.

On September 7, 2011, this Court issued an Order relating the criminal proceeding with this action, pursuant to its determination that this action and the criminal proceeding are related within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)[1]

On September 23, 2011, the parties filed a joint status report requesting that the stay initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

On November 23, 2011, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties request on November 29, 2011. (Docket # 48.)

The parties understand that the United States shortly plans to file a superseding indictment alleging misappropriation of DuPont's trade secrets. The parties to the criminal proceedings agree that this civil action should be stayed for an additional 60 days.

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[1] On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company, USA Performance Technology Inc.

The undersigned counsel agree that the stay remain in place for an additional 60 days, at which time the parties can update the Court.

Dated: January 24, 2012

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Dated: January 24, 2012

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[PROPOSED] ORDER

Having read and considered the Joint Status Report,

IT IS ORDERED THAT:

The parties' request that the stay be extended until April 2, 2012 is hereby GRANTED. Counsel shall submit a joint status report on or before March 26, 2012.

January ____, 2012

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Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE